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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,777	05/09/2007	Jurgen Meyer	2209.954(WS2255US-PCT)	2311
21878	7590	10/08/2008		
K&L Gates LLP 214 N. TRYON STREET HEARST TOWER, 47TH FLOOR CHARLOTTE, NC 28202			EXAMINER DONDERO, WILLIAM E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,777	Applicant(s) MEYER ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-6, 9 and 11-12 are rejected under 35 U.S.C. 102(b) as anticipated by Raasch (US-4944463) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Raasch (US-4944463) in view of Kaiser (US-5303570). As claim 1 is an apparatus claim, the limitation "profiled by high-pressure internal forming" is given little or no patentable weight. Therefore Raasch discloses a drive roller 4 for a textile machine producing cross-wound bobbins 1 for the frictional drive of a cross-wound bobbin 1 held so as to rotated in a creel 3 of a winding device characterized in that the outer periphery 13 of the drive roller is formed by a thin-walled, profiled metal tube (Figures 1-2).

If in the alternative, the limitation, "profiled by high-pressure internal forming" is given patentable weight, Kaiser discloses profiling a hollow thin-walled metal tube by high pressure internal forming (Figures 1-11; and see also paragraph [0044] of the instant specification). It would have been obvious to one of ordinary skill in the art at the time of the invention to profile the tube by any method, including the high pressure internal forming as taught by Kasier, to form the profile to guide the yarn as taught by Raasch.

Regarding Claim 3, Raasch discloses the thin-walled profiled metal tube is configured as a coated metal sleeve (Figures 1-2). Regarding Claim 6 and 12, Raasch discloses the profiling is stepped at least in the direction of rotation of the drive roller, for example in the form of nubs 12 (Figures 1-2).

With respect to claims 5 and 11, Raasch or Raasch in view of Kaiser does not disclose specific values for the wall thickness of the thin-walled, profiled metal tube. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to make the wall thickness between 0.1 mm and 0.4 mm or 0.2 mm to keep the weight of the sleeve as low as possible.

Regarding Claim 9, Raasch or Raasch in view of Kaiser is silent about the nubs extending uniformly over the entire outer periphery of the thin-walled, profiled metal tube. However, it would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to have the nubs extend over the entire outer periphery of the tube to guide the yarn across the entire traverse process.

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raasch (US-4944463) or Raasch (US-4944463) in view of Kaiser (US-5303570) as applied to claims 1, 3, 5-6, and 9 above, and further in view of Clarkson (US-2729051). Raasch or Raasch in view of Kaiser is silent about the thin-walled, profiled metal tube consisting of steel or a high-grade stainless steel alloy. However, Clarkson discloses a

Art Unit: 3654

textile winding machine drive roller 187 consisting of a high-grade stainless steel alloy (Figures 1-25; and Column 13, Lines 63-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the tube of Raasch or Raasch in view of Kaiser from stainless steel as taught by Clarkson to provide a good driving surface and reduce wear as taught by Clarkson (Column 13, Lines 63-66).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raasch (US-4944463) or Raasch (US-4944463) in view of Kaiser (US-5303570) as applied to claims 1, 3, 5-6, and 9 above, and further in view of Wirz et al. (US-5533686). Raasch or Raasch in view of Kaiser is silent about the drive roller being acted upon by an electric motor single drive in the form of an external rotor on the rotor housing of which the thin-walled, profiled metal tube is fixed. However, Wirz et al. disclose a textile winding machine drive roller 20 drive roller being acted upon by an electric motor single drive 24 in the form of an external rotor on the rotor housing of which the tube of the drive roller is fixed (Figures 1-11; and Column 4, Lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to drive the tube of Raasch or Raasch in view of Kaiser as taught by Wirz et al. to keep the construction of the roller simple and compact.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raasch (US-4944463) or Raasch (US-4944463) in view of Kaiser (US-5303570) as applied to claims 1, 3, 5-6, and 9 above, and further in view of Pesch et al. (US-3695522). Raasch or Raasch in view of Kaiser are silent about the profiling including webs arranged in the side regions of the drive roller. However, Pesch et al. disclose a tube with profiling

Art Unit: 3654

including webs 7. It would have been an obvious to one of ordinary skill in the art at the time of the invention to add the webs of Pesch et al. to the tube of Raasch or Raasch in view of Kaiser to help guide the yarn as taught by Pesch et al., and it would have been a further obvious design choice to one of ordinary skill in the art to arrange the webs and nubs in any configuration, including the nubs in the side region and the webs in the central region to achieve the predictable result of guiding the yarn traverse.

Claims 1, 6 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Pesch et al. (US-3695522) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pesch et al. (US-3695522) in view of Kaiser (US-5303570). As claim 1 is an apparatus claim, the limitation "profiled by high-pressure internal forming" is given little or no patentable weight. Therefore Pesch et al. discloses a drive roller 1 for a textile machine producing cross-wound bobbins 2 for the frictional drive of a cross-wound bobbin 2 held so as to rotated in a creel of a winding device characterized in that the outer periphery of the drive roller is formed by a thin-walled, profiled metal tube (Figure 2).

If in the alternative, the limitation, "profiled by high-pressure internal forming" is given patentable weight, Kaiser discloses profiling a hollow thin-walled metal tube by high pressure internal forming (Figures 1-11; and see also paragraph [0044] of the instant specification). It would have been obvious to one of ordinary skill in the art at the time of the invention to profile the tube by any method, including the high pressure internal forming as taught by Kasier, to form the profile to guide the yarn as taught by Raasch.

Regarding Claims 6 and 12, Pesch et al. discloses the profiling is stepped at least in the direction of rotation of the drive roller, for example in the form of nubs 12 (Figure 2).

Response to Arguments

With regards to Applicant's arguments starting on page 5, line 6 to page 6, line 16, Applicants argues that in light of Column 3, lines 3-13, Raasch alone or in combination with Kaiser fail to teach or suggest a thin-walled tube formed by means of a high pressure interior deformation. The Examiner respectfully disagrees. In Column 3, Lines 7-10, Raasch states, "Typically, the frictional coating is a thermoplastically deformable material rather than metal so that a more economical formation of the grooves in the frictional coating is possible." This statement does not say the frictional coating is not metal, and in fact, it discloses the use of metal as the frictional coating is known. Therefore, Raasch does disclose a thin-walled metal tube. In regards to the tube being formed by means of a high pressure interior deformation, until evidence proves otherwise, as long as the apparatus has the claimed structure, the process limitation is given little to no patentable weight in the claim, as advanced in the rejections above. Furthermore, Kaiser teaches the method and it would have been obvious to use Kaiser's method to produce Raasch's thin-walled tube to form the profile to guide the yarn as taught by Raasch, as advanced in the rejections above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. E. D./

Examiner, Art Unit 3654

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654